

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare:

That my residence, post office address and citizenship are as stated below next to my name.

That I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **IMMUNOGENIC HBc CHIMER PARTICLES HAVING ENHANCED STABILITY** the specification of which (check one)

is attached hereto.

09/930,915  
was filed on August 15, 2001 as Application, Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

That I acknowledge the duty to disclose information known to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

That I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
_____	_____	_____	Yes No
_____	_____	_____	Yes No

That I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

United States Application(s)

60/225,843 (Application Serial No.)	8/16/00 (Filing Date)	Pending (Status)-(Patented, pending, abandoned)
60/226,867 (Application Serial No.)	8/22/00 (Filing Date)	Pending (Status)-(Patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status)-(Patented, pending, abandoned)

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

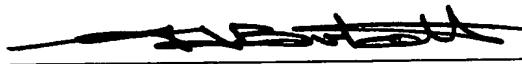
I hereby appoint the following attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to: WELSH & KATZ, LTD., 120 South Riverside Plaza, 22nd Floor, Chicago, Illinois 60606-3913, Telephone No.: (312) 655-1500:

<u>Attorney</u>	<u>Registration No.</u>
Donald L. Welsh	16,665
A. Sidney Katz	24,003
Richard L. Wood	22,839
Jerold B. Schnayer	28,903
Eric C. Cohen	27,429
Joseph R. Marcus	25,060
Gerald S. Schur	22,053
Gerald T. Shekleton	27,466
James A. Scheer	29,434
Daniel R. Cherry	29,054
Kathleen A. Rheintgen	34,044
Edward P. Gamson	29,381
Thomas W. Tolpin	26,700
Shannon L. Nebolsky	41,217
Mitchell J. Weinstein	37,963

Full name of sole or one joint inventor:

Birkett, Ashley J.

Inventor's signature:



Date:

17 SEPT 2001

Residence and Post Office Address:

2409 Old Ranch Road

Escondido, CA 92027

Citizenship:

United Kingdom

Address for Correspondence:

**WELSH & KATZ, LTD.**  
120 South Riverside Plaza  
22nd Floor  
Chicago, Illinois 60606-3913



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

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EPG GTS

MARCH 25, 2002

PTAS

EDWARD P. GAMSON, ESQ.  
120 SOUTH RIVERSIDE PLAZA  
22ND FLOOR  
CHICAGO, IL 60606

Chief Information Officer  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)



\*101966137A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/18/2002

REEL/FRAME: 012514/0226  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BIRKETT, ASHLEY J.

DOC DATE: 09/17/2001

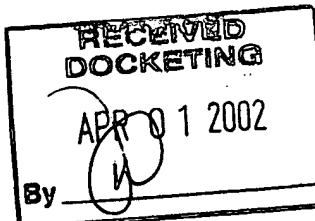
ASSIGNEE:

APOVIA INC.  
11125 FLITKOTE, SUITE A  
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 09930915

FILING DATE: 08/15/2001  
ISSUE DATE:

PATENT NUMBER:



JEFFREY OLSEN, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

WELSH & KATZ, LTD

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1 SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

1.18.02

To the Honorable Commissio

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the attached original documents or copy thereof.

1. Name of conveying party(ies):

Ashley J. Birkett

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

- Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: September 17, 2001

2. Name and Address of receiving party(ies)

Name: Apovia Inc. \_\_\_\_\_

Internal Address: \_\_\_\_\_

Street Address: 11125 Flitkote, Suite A

City: San Diego State: California ZIP 92121

Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or patent number(s): 09/930,915

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Edward P. Gamson, Esq.

Internal Address: \_\_\_\_\_

Street Address: 120 South Riverside Plaza

22<sup>nd</sup> Floor

City: Chicago State: Illinois ZIP: 60606

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41) \$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 23-0920

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Edward P. Gamson, Esq.  
Name of Person Signing

Signature

November 6, 2001  
Date

Total number of pages including cover sheet, attachments, and document:

3

Mail documents to be recorded with required cover sheet information  
Commissioner of Patents and Trademarks, Box Assignments  
Washington, D.C. 20231

01/30/2002 TDIAZ1 00000146 09930915

01 FC:581

40.00 0P

# Assignment

Serial No. 09/930,915

Filed August 15, 2001

WHEREAS:

Ashley J. Birkett, Ph.D., residing at 2409 Old Ranch Road, Escondido, CA 92027, a citizen of the United Kingdom (hereinafter referred to as ASSIGNOR), has invented and owns a certain invention entitled:

## IMMUNOGENIC HBC CHIMER PARTICLES HAVING ENHANCED STABILITY

for which application for Letters Patent of the United States has been executed on September 17, 2001, and

WHEREAS:

Apovia Inc. with a principal place of business at 11125 Flintkote, Suite A, San Diego, CA 92121, (hereinafter referred to as ASSIGNEE), a California Corporation, is desirous of acquiring the entire interest in, to and under said invention and the United States Letters Patent to be obtained therefor:

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the full and exclusive right, title and interest to said invention or improvements and all Letters Patent of the United States to be obtained therefor on said application or any continuation, division, renewal, substitute or reissue thereof and in and to all Letters Patent and all Convention and Treaty rights of all kinds, in all countries throughout the world for said invention for the full term or terms for which the same may be granted.

ASSIGNOR covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain and enforce said rights,

said application, said invention and said Letters Patent which may be necessary or desirable to carry out the purposes hereof. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the data and serial number thereof in the places provided therefore.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17 day of SEPTEMBER, 2001.

Date 17 SEPT 01

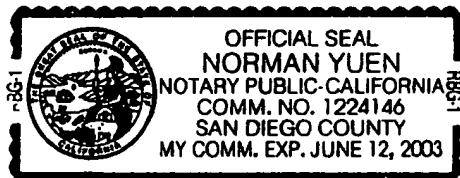


Ashley J. Birkett

STATE OF (*California*)  
COUNTY OF (*San Diego*)

I hereby certify that Ashley J. Birkett before me personally appeared and acknowledged that the foregoing assignment was duly signed, sealed and delivered by him as his free and voluntary act on this 17<sup>th</sup> day of Sept., 2001.

(SEAL)



Notary Public  
My Commission expires 6-12-03